## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:08cv29

PAUL FAGAN; and EVELYN FAGAN,	)	
Plaintiffs,	)	
<del></del>	)	
Vs.	)	ORDER
	)	
UNITRIN AUTO AND HOME	)	
INSURANCE COMPANY d/b/a	)	
Kemper, a Unitrin Business,	)	
	)	
Defendant and	)	
Third-Party Plaintiff,	)	
	)	
Vs.	)	
	)	
ICA, INC.,	)	
	)	
Third-Party Defendant.	)	
	)	

**THIS MATTER** is before the court on notice received from counsel for plaintiffs that this action has settled. Counsel advises that due to time necessary for the exchange of certain papers, the Rule 41 Voluntary Dismissal of All Claims With Prejudice, signed by counsel for all parties, will not be filed until November 30, 2009.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that upon suggestion of settlement, that the parties file the Rule 41 Voluntary Dismissal of All Claims With Prejudice, signed by counsel for all parties, not later than November 30, 2009.

Respective counsel are advised that they are <u>not</u> presently on a trial calendar as the ECF notification they received October 6, 2009, was only a modification resetting the "ready date for trial" based on a change in the presiding judge.

Signed: October 7, 2009

Dennis L. Howell

United States Magistrate Judge